

### **REMARKS/ARGUMENTS**

In the Office Action mailed May 29, 2009 (hereinafter, "Office Action"), claims 1-2, 7-11, 16-18 and 33 stand rejected under 35 U.S.C. § 101. Claims 1, 10-11, 16-18 and 33-34 have been amended.

Applicants respectfully respond to the Office Action.

#### **I. Claims 1-2, 7-11, 16-18 and 33 Rejected Under 35 U.S.C. § 101**

Claims 1-2, 7-11, 16-18 and 33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 1 is an independent claim, and claims 2 and 8 depend from claim 1. Claim 1 has been amended to specify that the "multiplying" and "determining" are "by a processor." This amendment is supported by at least paragraph [0027] of Applicants' specification. In view of this amendment to claim 1, Applicants respectfully submit that claim 1 is "tied to a particular machine or apparatus," and therefore satisfies the requirements of 35 U.S.C. § 101. See In re Bilski, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008) ("[a] claimed process is surely patent-eligible under § 101 if ... it is tied to a particular machine or apparatus"). Accordingly, Applicants respectfully request that the rejection of claims 1, 2 and 8 under 35 U.S.C. § 101 be withdrawn.

Similarly, claim 33 is an independent claim, and claims 7 and 9 depend from claim 33. Claim 33 has been amended to specify that the "dividing" and "determining" are "by a processor." This amendment is supported by at least paragraph [0027] of Applicants' specification. Accordingly, Applicants respectfully request that the rejection of claims 33, 7 and 9 under 35 U.S.C. § 101 be withdrawn.

Claim 10 is an independent claim, and claims 11 and 17 depend from claim 10. Claim 10 has been amended to recite a "computer-readable storage medium" to make it clear that it is a physical medium. These amendments are supported by at least paragraph [0043] of Applicants' specification. Accordingly, Applicants respectfully request that the rejection of claims 10, 11 and 17 under 35 U.S.C. § 101 be withdrawn.

Similarly, claim 34 is an independent claim, and claims 16 and 18 depend from claim 34. Claim 34 has been amended to recite a "computer-readable storage medium" to make it clear that it is a physical medium. These amendments are supported by at least paragraph [0043] of

Applicants' specification. Accordingly, Applicants respectfully request that the rejection of claims 34, 16, and 18 under 35 U.S.C. § 101 be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 26, 2009

By: /Jiayu Xu/  
Jiayu Xu, Reg. No. 58,322  
(858) 845-5910

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 845-5910  
Facsimile: (858) 658-2502